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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,740

12/10/2003

Thao D. Hovanky

COVI:004

6547

7590

06/14/2005

O'KEEFE, EGAN & PETERMAN, L.L.P.  
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EXAMINER

MACK, RICKY LEVERN

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/732,740

Applicant(s)

HOVANKY, THAO D.

Examiner

Ricky L. Mack

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 61-63 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-41 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10, 11, 14-17, 20-22, 42-46 and 52-57 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 12, 13, 18, 19, 23, 24, 47-51 and 58-60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0804, 1104</u> .  | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .      |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election 1-60 in the reply filed on 3/21/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 61-63 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/21/05.

### *Information Disclosure Statement*

3. The information disclosure statement (IDS) submitted on 8/16/04 and 11/22/04 have been considered by the examiner.

### *Drawings*

4. The drawings filed on January 30, 2004 are accepted.

### *Specification*

5. The disclosure is objected to because of the following informalities: On pages 3, 20, 24 and 25, there are blank lines where an application serial numbers should be.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

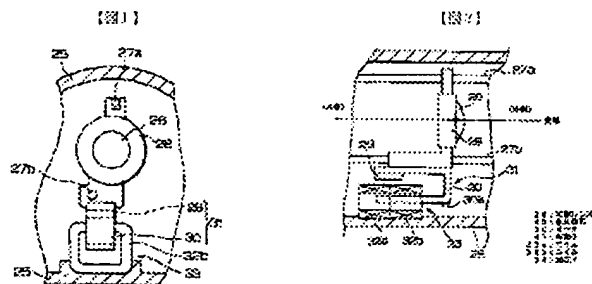
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 10, 11, 14-17, 21, 22, 42-45, 52-54, 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (JP2000321475A).

Tanaka discloses, as in claims 1, 14, 42 and 52, a voice coil motor assembly, which comprises, a lens assembly (figs. 1 and 2), further comprising: a moving magnet (29) component; a stationary coil component (32a, 32b); and a moving lens component (26, 28) coupled to said moving magnet component, said moving magnet component configured to move said moving lens component relative to said stationary coil component (see figures 1 and 2; abstract), wherein the moving lens component is moved by the generation of current within the stationary coil component.



Tanaka discloses, as in claims 2, 15, 43 and 53, wherein said moving magnet (29) component comprises a permanent magnet (abstract).

Tanaka discloses, as in claims 3 and 54, further comprising a lens guidance mechanism (30, 27b, 28) coupled to said moving lens component (26).

Tanaka discloses, as in claims 5, wherein said lens guidance mechanism comprises one or more guide shaft mounting members (27a, 27b) movably received by one or more guide shafts.

Tanaka discloses, as in claim 16, further comprising a lens assembly housing (25), said stationary coil component (32a, 32b) being fixedly coupled to said lens assembly housing.

Tanaka discloses, as in claims 10, 21, 44 and 56, wherein said moving lens comprises a moving focus lens or a moving zoom lens. While the Examiner cannot verify which of these limitations are disclosed due to translation, the Examiner takes the position that at least one of zooming or focusing is disclosed as a result of movement of the lens in a lens actuation system.

Tanaka discloses, as in claims 11, 17, 22, 45 and 57, the lens assembly configured to be in a linear light path of an optical block. The recitation of an optical block is interpreted to be a component, which is in a linear light path.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 7, 8, 20, 46 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (JP2000321475A) in view of Kuwajima et al. (6178156).

Tanaka discloses the claimed invention except for a damping mechanism coupled to the moving lens component, as in claims 4, 7, 20, 46 and 55 and the limitation of damping mechanism comprising one or more spring members, as in claim 8. Within the field of actuating lens assemblies, Kuwajima



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky L. Mack whose telephone number is (571) 272-2333. The examiner can normally be reached on Monday-Friday (6:30 AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricky L Mack  
Primary Examiner  
Art Unit 2873

RM  
June 11, 2005